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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/668,905 | 09/23/2003 | Nelson Rivas | RIVAS - 1 ET AL. | 2514 |

25889 7590 05/17/2005

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| EXAMINER |
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LEE, Y MY QUACH

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| ART UNIT | PAPER NUMBER |
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2875

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 10/668,905 | | RIVAS ET AL. | |
| | Examiner | | Art Unit | |
| | Y Quach Lee | | 2875 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 22 April 2005.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-26 is/are pending in the application.

 4a) Of the above claim(s) 20-26 is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-10 and 12-16 is/are rejected.

7) ☒ Claim(s) 11 and 17-19 is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 20 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:

 1. ☐ Certified copies of the priority documents have been received.

 2. ☐ Certified copies of the priority documents have been received in Application No. _____.

 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/26 & 11/4/04</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Arguments

1. Applicant's election with traverse in the reply filed on April 22, 2005 is acknowledged. Applicant's election with traverse is not found persuasive. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse. MPEP 818.03(a). Claims 20 to 26 are therefore withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

Drawings

2. The drawing figure 1C is objected to as failing to comply with 37 CFR 1.84(p)(5) because it does not include the reference sign (102) as mentioned on lines 7 to 8 of page 13 in the description.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: Page 8, the brief descriptions of figures 9E and 11D are missing. Page 9, line 1, the description "line X-X" is inaccurate in view of drawing figure 12A and should be changed to --line XII-XII--. Page 15, line 6, the reference numeral "30g" is incorrect and should be changed to --30f-- in view of drawing figure 2C. Page 19, line 5, the term "base section 75" is inaccurate and should be changed to --bottom end-- in view of drawing figure 8A. Page 21, line 14, the description "line X-X" is incorrect and should be changed to --line XII-XII-- in view of drawing figure 12A. Appropriate correction is required.

Claim Objections

4. Claims 16 to 19 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. For instant, the at least

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one LED array and the at least one collimating lens are coupled into the end cap housing as recited in claim 16 while the LED lights are coupled in at least one array inside the housing (a separate housing other than the end cap housing) and at least one collimating lens disposed within the housing (a separate housing other than the end cap housing) as recited in claim 1. Claims 17 to 19 depend on objected claim 16 and as such are also objected. Applicant is required to cancel the claim(s) or amend the claim(s) to place the claim(s) in proper dependent form.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Hartley.

Hartley shows a substantially bowl shaped housing (50), a plurality of LED lights (72) coupled in an array (68) inside the housing, a reflector (80) coupled to the housing for reflecting light from the plurality of LED lights out of the housing, and the reflector having the shape of a dome (figure 3).

7. Claims 1 to 4 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Clore.

Clore shows a substantially tubular housing (5), a plurality of LED lights (18) coupled in an array (figures 4, 6 and 8, column 3, line 11) inside the housing, a reflector (17) coupled to the housing for reflecting light from the plurality of LED lights out of the housing, the reflector in the shape of a dome (figure 2 to 8), the housing including at least one translucent section (the housing including sections that allow light to pass through diffusively, column 2, lines 27 to 28 and column 3, line 31) which allows light to flow therefrom, the reflector having a surface substantially light reflecting and the light from the LED array reflected off of the surface

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(column 2, lines 52 to 53), and at least one of the LED lights in the LED array formed at an angle (figures 2, 4, 6 and 8) in relation to a longitudinal axis of the housing.

8. Claims 1, 3, 4 and 12 to 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Wynne Wilson.

Wynne Wilson shows a substantially tubular housing (17), a plurality of LED lights (15) coupled in an array (column 12, line 60) inside the housing, a reflector (16) coupled to the housing for reflecting light from the plurality of LED lights out of the housing, the housing including at least one translucent section (18) which allows light to flow therefrom, the reflector having a surface substantially light reflecting and the light from the LED array reflected off of the surface, the reflector shaped as an elongated rounded element (figure 9), at least one of the LED lights in the LED array formed at an angle (figure 9) in relation to a longitudinal axis of the housing, and note that the angular LED lights in the LED array are aligned along a longitudinal axis of the housing, light from the LED lights in the LED array are directing along the longitudinal axis.

9. Claims 1, 3, 4, 12 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Nezigane.

Nezigane shows a substantially tubular housing (1), a plurality of LED lights (19) coupled in an array (figures 1 and 2) inside the housing, a reflector (7) coupled to the housing for reflecting light from the plurality of LED lights out of the housing, the housing including at least one translucent section (paragraph 0019, lines 3 to 4) which allows light to flow therefrom, the reflector having a surface substantially light reflecting and the light from the LED array reflected off of the surface (paragraph 0010, lines 5 to 8), the reflector shaped as an elongated rounded element (figures 1 and 2), and since the LED lights in the LED array aligned along a longitudinal axis of the housing, light from the LED lights in the LED array are directing along the longitudinal axis.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1, 3 to 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aho et al.

Aho et al. disclose a light device having a housing (60, 80), a light emitting diode (column 5, lines 8 to 10) coupled to a first end of the housing, a second light emitting diode (column 5, lines 8 to 10) coupled to a second end of the housing, the housing including a section that is at least one translucent section (66, 86) or substantially translucent which allows light to flow therefrom, and a film made from prismatic lenses (70, 90) for reflecting and amplifying light emitted from the light emitting diodes. However, Aho et al. do not disclose that the light emitting diodes are comprised of a plurality of LED lights array, a reflector is coupled to the housing for reflecting light and has a substantially light reflecting surface, and the housing is substantially tubular.

Note that it would have been obvious to one skilled in the art at the time the invention was made to replace the light emitting diode at each end of the housing of Aho et al., with a plurality of LED lights in an array for the desirable purpose of simply providing a brighter illumination to enhance the light intensity of the light device. Note also that it would have been obvious to one skilled in the art to couple a reflector having a substantially light reflecting surface to the housing of Aho et al., in view of the teaching of the housing (40) with a reflector having a substantially reflecting surface coupled thereto (column 4, lines 49 to 50) of Aho et al., for enhancing the reflectivity of light from the light emitting diodes out of the housing. Note further that it would have been obvious to one skilled in the art to modify the shape of the housing with a substantially tubular shape, which provides no unusual, unobvious and/or unexpected result, since such a modification would have involved a changed in the shape of a component and is therefore deemed to fall within a purview of an ordinary engineering design technique to modify the shape of the housing in different desirable shapes to suite different intended applications.

12. Claims 1, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiscock.

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Hiscock discloses a housing (12), a plurality of incandescent lights (30) coupled in an array inside the housing, a reflector (column 2, lines 25) coupled to the housing for reflecting light from the lights out of the housing, the lights coupled to and disposed inside the housing having at least one heat sink (20), and the heat sink in the form of a flange extending radially out from the housing (figures 1 and 3). However, Hiscock does not disclose that the lights are light emitting diodes.

Note that it is well known that incandescent and light emitting diode light sources are interchangeable and/or can also be used in combination. It would have been obvious to one skilled in the art to which the subject matter pertains to use the light emitting diodes in place of the light sources of Hiscock to not only enhance reliability and longevity of the light sources but also to reduce power consumption.

13. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Samen.

Samen discloses a light device having a housing (14), at least one end cap housing (3), at least one light (6) and at least one collimating lens (13) coupled into the end cap housing for collimating light sent from the light, and at least one spherical reflector (24) disposed in the housing for reflecting light sent from the at least one collimating lens out of the housing to create a uniform light distribution pattern. However, Samen does not disclose that the light is comprised of a plurality of LED lights array.

Note that it would have been obvious to one skilled in the art at the time the invention was made to replace the light of Samen with a plurality of LED lights in an array, since it is well known that incandescent and light emitting diode light sources are interchangeable and/or can also be used in combination, for the desirable purpose of not only enhancing the reliability and longevity of the light sources but also reducing power consumption while providing a brighter illumination to enhance the light intensity of the light device.

14. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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15. Claims 17 to 19 would be allowable if rewritten to overcome the objection set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is 571-272-2815.

Y. Q.
May 5, 2005


Y Quach Lee
Patent Examiner
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